

REMARKS

By the above actions, the specification and claim 11 have been amended. In view of these actions and the following remarks, reconsideration of this application is now requested.

Firstly, the Examiner's attention is directed to the appended copy of the text, S.A. Naser, *Electromechanics and Electric Machines*, John Wiley & Sons, Inc. 1979, Fig. 6.7 and the description thereof on page 226. As can be seen from this standard text, a characteristic of a three-phase, 4-pole winding current stator winding is that the coils are distributed in the slots over the entire periphery of the stator. This inherent characteristic has been added to the description of related art section of the application, the description relating to the first embodiment and in claim 11. These additions do not constitute new matter since they merely relate to inherent characteristics known to those of ordinary skill in the art as reflected by the Naser text. In this regard, the Examiner's attention is directed to the case of *In re Lange*, 209 USPQ 288, 294, (CCPA 1981) where the Court pointed out that "the disclosure in question must be read in light of the knowledge possessed by those skilled in the art and that knowledge can be established by ... reference to patents and publications available to the public prior to appellant's filing date." Furthermore, the Court went on to indicate that:

By disclosing in a patent application a device that inherently performs function, operates according to a theory, or has advantage, a patent application necessarily discloses that function, theory, or advantage, even though he says nothing concerning it. The application may later be amended to recite the function, theory, or advantage without introducing prohibited new matter. *Id* at 295.

With regard to the Examiner's rejection under 35 U.S.C. § 112, first paragraph, with regard to an alleged inadequacy in the description of the flux guidance regions being roughly half as high as wide in the main direction of the rotary field, this rejection is submitted to be inappropriate given the disclosure contained in the paragraph spanning pages 6 & 7 of the specification with regard to this feature. It is thought that perhaps the Examiner has overlooked this portion of applicant's specification; however, in view thereof, this rejection should be withdrawn.

All of the claims have been rejected under 35 U.S.C. §§ 102/103 based on the patent to Maeder, either by itself or in combination with one or more other references. These rejections are inappropriate and should be withdrawn for the following reasons.

The Maeder, contrary to the Examiner's position, does not disclose the present invention since it is not directed to motor having a three-phase current stator winding with a number of poles for generating a rotary field with switching. As can be seen in Figs. 4-9, the windings used by Maeder generate local magnetic fields at facing studs with opposite field directions. According to a phase shift, the strength and the direction of the local magnetic fields at the facing studs change. As a result, a rotary magnetic field does not exist in Maeder's motor. The Examiner's attention is also directed to the showing in Fig. 2 of each winding 4 being wound around a single stud 3 instead of being distributed around the periphery of the stator. It is also pointed out that Maeder's arrangement leads to production of low torque due to low accumulated magnetic flux, so that it cannot attain the objects of the present invention.

Therefore, since Maeder is not a motor of the type claimed by the present applicant, it cannot neither anticipate nor render obvious the present invention, by itself or with any other reference. Therefore, withdrawal of this rejection is in order and is now requested.

In view of the actions taken, the present application is now believed to be in condition for allowance in the absence of any new and more pertinent prior art being discovered. However, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby be expedited.

Lastly, it is noted that a separate Extension of Time Petition accompanies this response along with a check in payment of the requisite extension of time fee. However, should that petition become separated from this Amendment, then this Amendment should be construed as containing such a petition. Likewise, any overage or shortage in the required payment should be applied to Deposit Account No. 19-2380 (741135-9).

Respectfully submitted,

By: 

David S. Safran
Registration No. 27,997

NIXON PEABODY LLP
8180 Greensboro Drive, Suite 800
McLean, Virginia 22102
Telephone: (703) 790-9110